

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In Re Provision of Improved

Telecommunications Relay Services
And Speech-to-Speech Services for
Individuals with Hearing and Speech
Disabilities

CC Docket No. 98-67

**REPLY COMMENTS OF THE CALIFORNIA PUBLIC UTILITIES
COMMISSION AND OF THE PEOPLE OF THE
STATE OF CALIFORNIA ON THE PUBLIC NOTICE**

The California Public Utilities Commission and the People of the State of California (California or CPUC) respectfully submit as our Reply Comments the attached Report to us from California's Deaf and Disabled Telecommunications Program in response to the *Federal Register* notice issued in the above-referenced docket by the Federal Communications Commission (FCC or Commission) on July 9, 2001. In the *Federal Register* notice, the Commission seeks additional comment on the recommended

TRS cost recovery guidelines filed by the Interstate Telecommunications Relay Service
(TRS) Fund Advisory Council and the TRS Fund Administrator.

Respectfully submitted,

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August 21, 2001

A Report of the Deaf and Disabled Telecommunications Program to the California Public Utilities Commission on the Federal Communications Commission's CC Docket No. 98-67 Request for Additional Comment on the Cost Recovery Guidelines Recommended by the Interstate Telecommunications Relay Service (TRS) Fund Advisory Council and the TRS Fund Administrator

This document includes comments provided to the CPUC by California's Deaf and Disabled Telecommunications Program (DDTP), which is the program arm of the CPUC which administers the California Relay Service (CRS). These comments respond to the main issue area addressed in the USTA's comments to the FCC dated July 30, 2001 in response to the July 9, 2001 *Federal Register* notice, wherein the USTA stated that,

...the Commission should state, inter alia, that it has determined compliance, especially with regard to whether the requester seeking reimbursement from the [NECA TRS] fund is (1) acting as a common carrier in the context of its service provision for which it is specifically seeking reimbursement; and (2) that the service for which reimbursement is sought is a telecommunications service.

Rulings in favor of the above request would be harmful to the California Relay Service and the people of the State of California.

We request that the FCC not rule in a manner that precludes companies, which are providing TRS services under contract to a state in compliance with FCC regulations and that are not common carriers, from receiving reimbursement from the NECA TRS fund. The state of California is presently engaged in a procurement for contracted TRS services that allows for contracts to be established with both common carriers and non-common carriers in a multiple vendor environment. The success of this approach relies upon the availability of NECA TRS funds to non-carriers as well as to carriers for TRS reimbursement.¹ California believes that expanding its TRS contracting capabilities to both carriers and non-carriers will bring enhanced TRS options and choices to consumers and is therefore consistent with the FCC's intent.

We urge the Commission to uphold its previous rulings and to deny the USTA's request.

¹ *Report and Order and Further Notice of Proposed Rulemaking*, CC Docket No. 98-67, FCC 00-56 (rel. 3/6/2000), paragraphs 36 and 37, in which the FCC has previously determined, and on which the CPUC has relied upon, that it "believe[s] that giving consumers a choice among different TRS providers might well improve the quality of TRS service" and "that nothing in the statute or the Commission's rules restricts the states to using only one relay provider. Recognizing that one purpose of the Telecommunications Act of 1996 ('1996 Act') is to facilitate the introduction of competition to telecommunications markets, we encourage states to consider whether the single- or the multi-vendoring model best meets their constituents' particular needs." The Commission further provided, "[w]e encourage states to continue experimenting with ways to allow competitive forces to improve the quality of TRS service."